IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 11TH DECEMBER 2006 / 20TH AGRAHAYANA 1928

Bail Appl..No. 6989 of 2006()

CMA.19/2004 of SUB COURT, SULTHAN BATHERY

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PETITIONER/ACCUSED NO.11:

BABU VARGHESE, AGED 56,
S/O. MATHEW VARGHESE, PLOT NO.41, WOOD LAND
APPARTMENT, JAGATHY, THIRUVANANTHAPURAM
(FROM KAKODIKUZHIYIL HOUSE, PONGUMMOODU P.O.,
TRIVANDRUM-695 011).

BY ADV. SRI.B.RAMAN PILLAI
SRI.GEORGE PHILIP
SRI.R.ANIL
SRI.RAJU RADHAKRISHNAN
SRI.ANIL K.MOHAMMED
SRI.DELVIN JACOB MATHEWS

RESPONDENTS: COMPLAINANT:

STATE, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

BY DIRECTOR GENERAL OF PROSECUTION SRI. P.G. THAMBI

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 11/12/2006, ALONG WITH B.A. 7239/06 THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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Bail Application Nos. 6989/06 & 7239/06

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Dated, this the 11th day of December 2006

ORDER

Petitioners who are accused Nos. 11 and 8 respectively in Crime No. 47/06 of CBCID, Kozhikode (originally registered as Crime No. 55/06 of Thamarassery Police Station) for offences punishable under Secs. 143, 147, 148, 341, 363, 307 and 302 read with Sec. 149 I.P.C., seek bail. The occurrence took place on 11-2-2006 and ever since then they have been in judicial custody. Petitioners were arrested on 24-4-2006. In the case of A11, there was a gap of two weeks during which A11 was enlarged on bail until it was cancelled. The occurrence took place on 11-2-2006.

2. Even though Sri. P.G. Thambi, the learned Director General of Prosecutions, opposed these applications, I do not think that the continued detention of the petitioners is called for. The petitioners have been in judicial custody for an unreasonably long period. If, ultimately, they are found guilty, they definitely deserve condign punishment for their alleged involvement. Now the only question relevant is whether both the petitioners will be available for trial and whether while on bail they will influence or intimidate the

prosecution witnesses. Those apprehensions of the prosecution can be taken care of by imposing appropriate conditions. Accordingly, the petitioners are directed to be released on bail on each of them executing a bond for Rs. 25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like amount to the satisfaction of the Addl. Sessions Court (Special Court for N.D.P.S. Cases, Vadakara), and subject to the following conditions:

i) The petitioners shall not influence or intimidate the prosecution witnesses nor shall they attempt to tamper with the evidence for the prosecution.

ii) The petitioners shall not commit any offence while on bail.

iii) The petitioners shall appear before the trial court on all the postings of the case without fail.

iv) The petitioners shall leave the territory of the State of Kerala without the previous written permission of the trial court.

If the petitioners commit breach of any of the above conditions, the bail granted to them shall liable to be cancelled.

These applications are accordingly allowed.

Sd/-
V. RAMKUMAR,
(JUDGE)

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